

REMARKS

The Applicants wish to thank the Examiner for thoroughly reviewing and considering the pending application. The Office Action dated July 23, 2004 has been received and carefully reviewed. Claims 1, 8-10 and 22-24 have been amended. Claim 26 has been added. Claims 1-26 are currently pending. Reexamination and reconsideration are respectfully requested.

The Office Action indicated that the incorporation by reference of a foreign application in the specification is improper. The Applicants respectfully submit that the Applicants have properly incorporated by reference the foreign application from which the present application claims priority pursuant to chapter 201.13(a) of the M.P.E.P.

In addition, the Office Action rejected claims 1, 3-5, and 14 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,051,858 to *Mele* (hereinafter “*Mele*”). The Applicants respectfully traverse this rejection.

As required in chapter 2131 of the M.P.E.P., in order to anticipate a claim under 35 U.S.C. §102, “the reference must teach every element of the claim.” The Applicant respectfully submits that *Mele* does not teach every element recited in claims 1, 3-5, and 14. To further illustrate, claim 1 has been amended to recite a laundry dryer top cover assembly comprising, among other features, a fire plate which prevents fire from spreading “outside the laundry dryer.” *Mele* does not disclose a fire plate or any other feature that prevents fire from spreading “outside a laundry dryer.” In fact, *Mele* has nothing to do with laundry dryers of any type. *Mele* discloses a cleaning station for cleaning automotive parts. Thus, *Mele* does not anticipate claim 1 and the Applicants request that the rejection be withdrawn. Similarly, claims 3-5 and 14, which depend from claim 1, are also patentable for at least the same reasons.

The Office Action also rejected claims 2, 6, and 13 under 35 U.S.C. § 103(a) as being unpatentable over *Mele*. The Applicants respectfully traverse the rejection.

As required in chapter 2143.03 of the M.P.E.P., in order to “establish *prima facie* obviousness of the claimed invention, all the limitations must be taught or suggested by the prior art.” As discussed above, *Mele* does not disclose each and every element recited in claim 1, from which claims 2, 6, and 13 depend. Accordingly, *Mele* cannot disclose all the limitations recited in claims 2, 6, and 13. Thus, the Applicants respectfully submit that 2, 6, and 13 are patentable over *Mele* under 35 U.S.C. § 103(a) and request that the rejection be withdrawn.

The Office Action also rejected claims 7-12 under 35 U.S.C. § 103(a) as being unpatentable over *Mele* in view of U.S. Patent No. 4,669,200 to *Carr* (hereinafter “*Carr*”). The Applicants traverse the rejection. As correctly pointed out in the Office Action, *Mele* fails to disclose “fastening pieces, first and second flanges, and inserting holes.” See Office Action at page 4. Thus, the Office Action alleges that *Carr* includes fastening pieces 52 and 54. The Applicants disagree. Items 52 and 54 in *Carr* are not fastening pieces. Instead, item 52 forms a planar seal and item 54 forms a cylindrical seal. Together, they provide an air seal that retains heated air within the drum 22 and prevents cool air from entering into the drum. Furthermore, *Carr* does not disclose “first and second flanges” as alleged in the Office Action. Accordingly, neither *Mele* nor *Carr*, either singularly or in combination, disclose all the elements recited in claims 7-12. Thus, claims 7-12 are patentable over *Mele* in view of *Carr* and the Applicants request that the rejection be withdrawn.

The Office Action also rejected claims 15 and 18-25 under 35 U.S.C. § 103(a) as being unpatentable over *Mele* in view of U.S. Patent No. 6,119,678 to *Marchand* (hereinafter “*Marchand*”). The Applicants traverse the rejection and request reconsideration of the same.

Neither *Mele* nor *Marchand*, either singularly or in combination, disclose all the elements recited in claim 15. To further illustrate, claim 15 recites a laundry dryer comprising, among other features, “a door in a front surface of [a] front plate.” As correctly pointed out in

the Office Action, *Mele* fails to disclose “a door in a front surface of [a] front plate.” See Office Action at page 5. As such, the Office Action indicates that *Marchand* discloses a “door 40 in a front surface of [a] plate.” *Marchand* does not disclose this feature. Instead, *Marchand* discloses a console 40 pivotally connected to a wall portion 31. See col. 3, lines 38-44. The console 40 moves between an upright, in-use position and a shipping, service and/or repair position. See col. 4, lines 22-26. Nevertheless, the console 40 is not a door, as alleged in the Office Action. Accordingly, the Applicants respectfully submit that claim 15 is patentable over *Mele* in view of *Marchand* under 35 U.S.C. § 103(a) and request that the rejection be withdrawn. Claims 18-25, which depend from claim 15, are also patentable for at least these reasons.

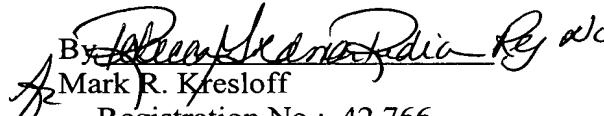
Additionally, the Office Action rejected claims 16 and 17 under 35 U.S.C. § 103(a) as being unpatentable over *Mele* in view of *Marchand* in further view of U.S. Patent No. 4,469,083 to *Helle et al.* (hereinafter “*Helle*”). The rejection is traversed and reconsideration is requested. As discussed above, neither *Mele* nor *Marchand*, either singularly or in combination, disclose each and every element recited in claim 15, from which claims 16 and 17 depend. Likewise, *Helle* fails to overcome the shortcomings of both *Mele* and *Marchand*, namely a door in a front surface of a front plate. Therefore, the Applicants submit that claims 16 and 17 are patentable over *Mele* in view of *Marchand* in further view of *Helle* under 35 U.S.C. § 103(a) and request that the rejection be withdrawn.

The Applicants believe that the application is in a condition for allowance and early, favorable action is respectfully solicited. If for any reason the Examiner finds the application other than in a condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

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Respectfully submitted,

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